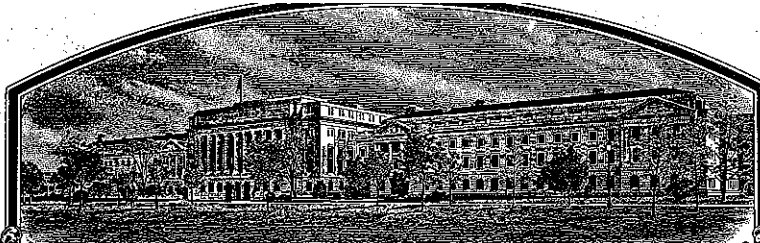


No.

200500296



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Seminis Vegetable Seeds, Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE FOREGOING PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

LETTUCE

'Tourist'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this twenty-ninth day of June, in the year two thousand and seven.

Attest:

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

Secretary of Agriculture



U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

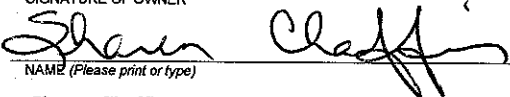
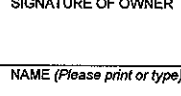
Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF OWNER Seminis Vegetable Seeds, Inc.		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME		3. VARIETY NAME Tourist	
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) 2700 Camino del Sol Oxnard, CA 93030-7967		5. TELEPHONE (include area code) (805) 647-1572		FOR OFFICIAL USE ONLY PVPO NUMBER 200500296 FILING DATE July 11, 2005	
		6. FAX (include area code) (805) 918-2545			
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) Corporation		8. IF INCORPORATED, GIVE STATE OF INCORPORATION CA		9. DATE OF INCORPORATION June 4, 1962	
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers)					
<div style="display: flex; justify-content: space-between;"> <div> Sharen Chaffin Seminis Vegetable Seeds, Inc. 37437 State Hwy 16 Woodland CA 95695 </div> <div> Carol Miller Seminis Vegetable Seeds, Inc. Nude 54D 6702 DN Wageningen, The Netherlands PH: 31 317 450218; FAX: 31 317 450217 </div> <div> Marcel Bruins (marcel.bruins@seminis.com) Seminis Vegetable Seeds, Inc. Nude 54D 6702 DN Wageningen, The Netherlands PH: 31 317 450218; FAX: 31 317 450217 </div> </div>					
11. TELEPHONE (Include area code) (530) 669-6172		12. FAX (Include area code) (530) 666-4426		13. E-MAIL sharen.chaffin@seminis.com	
14. CROP KIND (Common Name) Lettuce		16. FAMILY NAME (Botanical) Lactuca sativa		18. DOES THE VARIETY CONTAIN ANY TRANSGENES? (OPTIONAL) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT FOR COMMERCIALIZATION.	
15. GENUS AND SPECIES NAME OF CROP Asteraceae		17. IS THE VARIETY A FIRST GENERATION HYBRID? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act) <input type="checkbox"/> YES (If "yes", answer items 21 and 22 below) <input checked="" type="checkbox"/> NO (If "no", go to item 23)	
19. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse)		21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, WHICH CLASSES? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED			
a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input checked="" type="checkbox"/> Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) g. <input checked="" type="checkbox"/> Filing and Examination Fee (\$3,652), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)		22. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, SPECIFY THE NUMBER 1,2,3, etc. FOR EACH CLASS. <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse.)			
23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)		24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)			

25. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate.

The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.

Owner(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.

SIGNATURE OF OWNER 		SIGNATURE OF OWNER 	
NAME (Please print or type) Sharen Chaffin		NAME (Please print or type) Sharen Chaffin	
CAPACITY OR TITLE IP Specialist	DATE 7-8-05	CAPACITY OR TITLE IP Specialist	DATE

(See reverse for instructions and information collection burden statement)

GENERAL: To be effectively filed with the Plant Variety Protection Office (PVPO), **ALL** of the following items must be received in the PVPO: (1) Completed application form signed by the owner; (2) completed exhibits A, B, C, E; (3) for a seed reproduced variety at least 2,500 viable untreated seeds, for a hybrid variety at least 2,500 untreated seeds of each line necessary to reproduce the variety, or for tuber reproduced varieties verification that a viable (in the sense that it will reproduce an entire plant) tissue culture will be deposited and maintained in an approved public repository; (4) check drawn on a U.S. bank for \$3,652 (\$432 filing fee and \$3,220 examination fee), payable to "Treasurer of the United States" (See Section 97.6 of the Regulations and Rules of Practice.) Partial applications will be held in the PVPO for not more than 90 days, then returned to the applicant as unfilled. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 401, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. Retain one copy for your files. All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. **DO NOT** use masking materials to make corrections. If a certificate is allowed, you will be requested to send a check payable to "Treasurer of the United States" in the amount of \$432 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

Plant Variety Protection Office

Telephone: (301) 504-5518

FAX: (301) 504-5291

Homepage: <http://www.ams.usda.gov/science/pvpo/pvpindex.htm>

To avoid conflict with other variety names in use, the applicant must check the appropriate recognized authority and provide evidence that name has been cleared by the appropriate recognized authority before the Certificate of Protection is issued. For example, for agricultural and vegetable crops, contact: Seed Branch, AMS, USDA, 10301 Baltimore Avenue, Suite 401 NAL Building, Beltsville, MD 20705. Telephone: (301) 504-5682 <http://www.ams.usda.gov/lsg/seed.htm>.

ITEM

- 19a. Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method;
(2) the details of subsequent stages of selection and multiplication;
(3) evidence of uniformity and stability; and
(4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified
- 19b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:
(1) identify these varieties and state all differences objectively;
(2) attach statistical data for characters expressed numerically and demonstrate that these are clear differences; and
(3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.
- 19c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
- 19d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 19e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.
20. If "Yes" is specified (*seed of this variety be sold by variety name only, as a class of certified seed*), the applicant **MAY NOT** reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (See *Regulations and Rules of Practice, Section 97.103*).
23. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.
24. See Section 55 of the Act for instructions on claiming the benefit of an earlier filing date.

22. CONTINUED FROM FRONT (Please provide a statement as to the limitation and sequence of generations that may be certified.)

23. CONTINUED FROM FRONT (Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)

IT: 8/01; GR: 11/04; US: 12/04

24. CONTINUED FROM FRONT (Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).)

EU: PBR granted 4/18/05; # EU 15183

NOTES: It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. The fees for filing a change of address; owner's representative; ownership or assignment; or any modification of owner's name is specified in Section 97.175 of the regulations. (See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.)

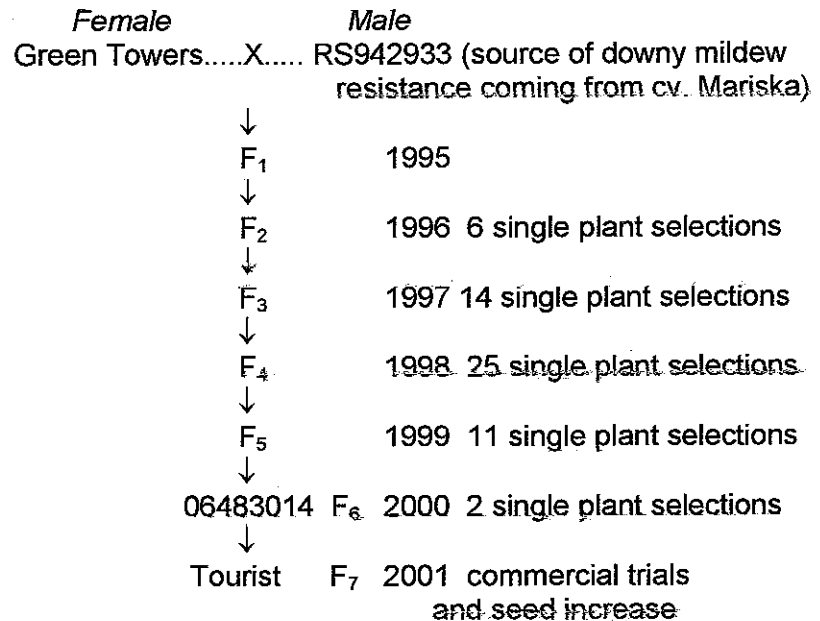
According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 1.4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, or protected genetic information. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call 202-720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

Exhibit A. Origin and Breeding History of Lettuce cv. Tourist

Revised: 7-May-07

Pedigree of cv. Tourist (RS06483014)

Romaine lettuce cultivar Passport was developed at the SEMINIS research station at NIMES, France. The initial cross was made between Green Towers, a romaine lettuce variety from Harris Moran Seed Company and a Seminis Breeding Line (SBL) (RS942933) in the romaine lettuce type, which harbored the R18 *Bremia lactucae* resistance gene coming from a cross between butterhead cv. Mariska as female and the romaine cv. Green Tower as male.

1995: Green Towers and SBL were grown in the greenhouse and crosses were made. Six F₂ populations of the cross Green Towers x SBL were made in summer and autumn.

1996: Six F₂ populations were grown in the breeding field at the research station in the spring.

17 single plant selections (963064 up to and including 966811) were taken for further breeding and making F₃ populations.

14 F₃ populations were grown in the breeding field at the research station in the autumn. 25 single plant selections (966764 up to and including 966796) were chosen for further breeding.

1998: All 25 F₄ populations (966764 till 966796) were put in a breeding field at the research station in spring. Out of population 966795, eleven single plants were selected to create F₅ populations (19981923, 19981924, 19981925, 19981926,

19981927, 19983013, 19983014, 19983015, 19983016, 19983017 and 19983018).

All eleven F5 populations were tested for resistance to *Bremia lactucae* and for Lettuce Mosaic Virus (LMV). All of them appeared to be uniform resistant to *Bremia lactucae* race BI 1- BI 16, and susceptible to LMV.

1999: All eleven F5 populations were tested in field trials in France, Italy and Spain for agricultural characteristics and uniformity. Especially F5 breeding line 19983014 showed good uniformity and good agricultural qualities. 2 single plants were selected out of 19983014 to create F6 populations (19994777 and 19994778). A small seed increase (1000 grams) was made of line 19983014.

1999: Both F6 populations (19994777 and 19994778) were tested in field trials in France, Italy and Spain for agricultural characteristics and uniformity. F5 line 19983014 and the small seed increase out of this line (RS06483014) were planted together with those two F6 lines to check stability. Both lines, as well as the small seed increase, looked uniform and stable.

2000/2001: In total 750.000 plants coming from (bulked) seed production of RS06483014 (cv. Tourist) were tested all over Europe in spring, summer, autumn and winter growing conditions and compared with breeding line 19983014 for stability and uniformity of the variety. In all trials the RS06483014 seed looked uniform and stable. Neither off-types nor genetic variation were detected during those trials.

The breeding work was carried out by Dr. Ron van der Laan at the Seminis Vegetable Seed's Research Station at Nîmes, France. Replicated field trials were initially conducted in Europe and later in areas of California and Western Arizona (2001 and 2002).

The breeding method employed was pedigree selection, using both single plant selection and mass selection practices. The selection criteria for cv. Tourist were resistance to lettuce mosaic virus and California pathotypes I, IIa, IIb, III, IV, V, and VI of downy mildew, when compared to the most similar variety, cv. Green Towers.

From 1998 to present (more than five generations), we have seen neither genetic variants nor off-types, indicating that this variety is genetically uniform and stable.

EXHIBIT B. Novelty statement for romaine lettuce cultivar cv. Tourist**Revised: 3-May-07**

Cv. Tourist is a dark green romaine lettuce variety (Cos lettuce) with a high level of *Bremia lactucae* resistance (see Table 1 and Table 2). The variety is created by pedigree selection methods for open field romaine lettuce production.

To our knowledge, cv. Tourist most resembles cv. Green Towers, a commercial romaine lettuce variety from Harris Moran Seed Company. The comparative characteristics that most clearly distinguish cv. Tourist and cv. Green Towers include, but may not be limited to:

- Resistance to *Bremia lactucae* (Downy Mildew):
 - Cv. Tourist is resistant to California *Bremia lactucae* races: I, IIA, IIB, III, IV, V, and VI, whereas cv. Green Towers is susceptible to those races.
 - Refer to Table 1 and Table 2 for resistance trial data.
- Bolting:
 - Cv. Tourist is more resistant to bolting in summer conditions than cv. Green Towers. Cv. Tourist needed an average of 110 days to grow from first water date to seed stalk emergence (at 15 cm) compared to an average of 95 days for cv. Green Towers.
 - The data presented here are statistically different at the 95% confidence level, exhibiting a range of means for days to 15 cm from 106.5 to 112.5 days for SVR 4570 and from 91.5 to 97.5 days for cv. Greet Towers, using the 0.95 probability of generating confidence intervals (CI) that contains the means.

Table 1

Evaluation of cv. Tourist (RS 06483014) and the most similar cultivars, cv. Green Towers, for resistance to downy mildew and days to 15 cm.

Trial No	Cultivar	Rep No.	Downy Mildew Resistance^a	No. of Days to 15 cm^b
Trial 1: Evaluated 20 July 2004 Salinas Valley, CA	cv. Tourist:	Rep. 1	I,IIa,IIb,III IV,V,&VI	109±1.1
		Rep. 2	I,IIa,IIb,III IV,V,&VI	113±1.4
		Average:	I,IIa,IIb,III IV,V,&VI	111±1.3
	cv. Green Towers:	Rep. 1	No pathotypes identified	92±1.2
		Rep. 2	No pathotypes identified	99±1.1
		Average:	No pathotypes identified	96±1.2
Trial 2: Evaluated 26 August 2005 Salinas Valley, CA	cv. Tourist:	Rep. 1	I,IIa,IIb,III IV,V,&VI	115±1.6
		Rep. 2	I,IIa,IIb,III IV,V,&VI	101±1.2
		Average:	I,IIa,IIb,III IV,V,&VI	108±1.4
	cv. Green Towers:	Rep. 1	No pathotypes identified	100±1.8
		Rep. 2	No pathotypes identified	87±1.3
		Average:	No pathotypes identified	94±1.6

Range of variation among means of statistically significant differences at the 95% level using the confidence interval [CI = mean ± (SDXSE)]:

cv. Tourist	106.5 to 112.5
cv. Green Towers	91.5 to 97.5

^a Downy mildew survey reported as resistance to California Pathotypes I through VI, using four replications each having 15 seedlings, grown in laboratory screens.

^b Mean number of days until stem reaches 15 cm using two replications of 20 plants each.

REPRODUCE LOCALLY. Include form number and date on all reproductions.

Form Approved OMB NO 0581-0055

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 1.4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, or protected genetic information. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotope, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call 202-720-5954 (voice and TDD). USDA is an equal opportunity provider and employer.

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705

Exhibit C

OBJECTIVE DESCRIPTION OF VARIETY
Lettuce (*Lactuca sativa* L.)

NAME OF APPLICANT (S) Seminis Vegetable Seeds, Inc.	TEMPORARY OR EXPERIMENTAL DESIGNATION	VARIETY NAME Tourist
ADDRESS (Street and No. or RD No., City, State, Zip Code, and Country) 2700 Camino del Sol Oxnard, CA 93030-7967		<div style="background-color: black; color: white; text-align: center; padding: 2px;">FOR OFFICIAL USE ONLY</div> PVPO NUMBER 200500296

Place the appropriate number that describes the varietal character in the boxes below. Place a zero in the first box (e.g. 0 9 9 or 0 9) when number is either 99 or less or 9 or less. Measured data should be the mean of an appropriate number (at least 20) of well space plants. Royal Horticultural Society or any recognized color standard may be used to determine plant colors.

The Location of the Test Area is:

So. France

Color System Used:

RHS

SPECIFIC VARIETIES USED FOR COMPARISON AS CHECK VARIETIES IN THIS APPLICATION: Use standard regional check varieties, which are adapted to your area. One of the comparison varieties must be the most similar variety used in Exhibit B.

Application Variety (a1) **TOURIST** Most Similar Variety (c1) **Green Tower**

Standard Regional Check Variety (c2) **Clemente**

1. PLANT TYPE: (See List of Suggested Check Varieties on Page 8)

01 = Cutting/Leaf
02 = Butterhead
03 = Bibb

04 = Cos or Romaine
05 = Great Lakes Group
06 = Vanguard Group

07 = Salinas Group
08 = Eastern (Ithaca) Group
09 = Stem

10 = Latin
11 = Other (Specify) _____

(a1) 0 4

(c1) 0 4

(c2) 0 4

2. SEED:

(a1) 1 } COLOR
(c1) 1 } 1 = White (Silver Gray)
(c2) 1 } 2 = Black (Grey Brown)
3 = Brown (Amber)

(a1) 2 } LIGHT DORMANCY
(c1) 2 } 1 = Light Required
(c2) 1 } 2 = Light Not Required

(a1) 1 } HEAT DORMANCY
(c1) 1 } 1 = Susceptible
(c2) 1 } 2 = Not Susceptible

3. COTYLEDON TO FOURTH LEAF STAGE: NOTE: Provide a color photograph or photocopy of the fourth leaf from 20 day-old seedling grown under optimal conditions.

SHAPE OF COTYLEDONS: 1 = Broad 2 = Intermediate 3 = Spatulate

(a1) 3

(c1) 3

(c2) 3

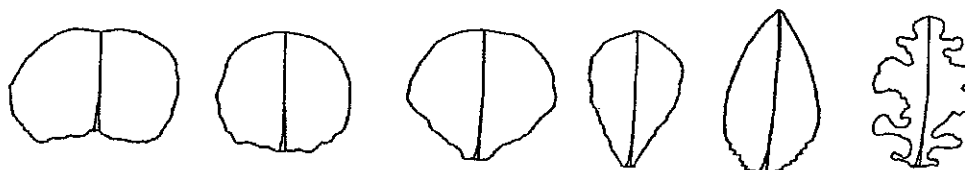
SHAPE OF FOURTH LEAF:

(a1) 4

(c1) 4

(c2) 4

3. COTYLEDON TO FOURTH LEAF STAGE: (continued)



1. Transverse oval

2. Round

3. Oval

4. Elongated

5. Lanceolate

6. Pinnately lobed

LENGTH/WIDTH INDEX OF FOURTH LEAF: L/W x 10

(a1) 32(c1) 32(c2) 35

APICAL MARGIN:

1 = Entire
2 = Crenate/Gnawed
3 = Finely Dentate4 = Moderately Dentate
5 = Coarsely Dentate
6 = Incised7 = Lobed
8 = Other (Specify) _____(a1) 1(c1) 1(c2) 1

BASAL MARGIN: (Use the options for Apical Margin above)

(a1) 4(c1) 4(c2) 4

UNDULATION:

1 = Flat

2 = Slight

3 = Medium

4 = Marked

(a1) 2(c1) 2(c2) 2

GREEN COLOR:

1 = Yellow Green
2 = Light Green3 = Medium Green
4 = Dark Green5 = Blue Green
6 = Silver Green

7 = Grey Green

(a1) 4(c1) 4(c2) 4

ANTHOCYANIN:

DISTRIBUTION:

1 = Absent
2 = Margin Only3 = Spotted
4 = Throughout

5 = Other (Specify) _____

(a1) 1(c1) 1(c2) 1

CONCENTRATION:

1 = Light

2 = Moderate

3 = Intense

(a1) na(c1) na(c2) na

ROLLING:

1 = Absent

2 = Present

(a1) 1(c1) 1(c2) 1

CUPPING:

1 = Uncupped

2 = Slight

3 = Markedly

(a1) 2(c1) 2(c2) 2

REFLEXING:

1 = None

2 = Apical Margin

3 = Lateral Margins

(a1) 1(c1) 1(c2) 1

8

4. MATURE LEAVES (Observe Harvest-Mature Outer Leaves)

NOTE: Provide color photo of a harvest-mature leaf which accurately shows color and margin characteristics.

MARGIN:**INCISION DEPTH:**
(deepest penetration
of the margin)

1 = Absent/Shallow (Dark Green Boston)

2 = Moderate (Vanguard)

3 = Deep (Great Lakes 659)

(a1)

1

(c1)

1

(c2)

1

INDENTATION: (Finest divisions of the margin)

1 = Entire (Dark Green Boston)

4 = Crenate (Vanguard)

2 = Shallowly Dentate (Great Lakes 65)

5 = Other (Specify) _____

3 = Deeply Dentate (Great Lakes 659)

(a1)

2

(c1)

2

(c2)

2

**UNDULATIONS OF THE
APICAL MARGIN:**

1 = Absent/Slight (Dark Green Boston)

2 = Moderate (Vanguard)

3 = Strong (Great Lakes 659)

(a1)

1

(c1)

1

(c2)

1

GREEN COLOR:

1 = Very Light Green (Bibb)

3 = Medium Green (Great Lakes)

5 = Very Dark Green

2 = Light Green (Minetto)

4 = Dark Green (Vanguard)

6 = Other (Specify) _____

(a1)

4

(c1)

4

(c2)

4

ANTHOCYANIN:**DISTRIBUTION:**

1 = Absent

3 = Spotted (California Cream Butter)

5 = Other (Specify) _____

2 = Margin Only (Big Boston)

4 = Throughout (Prize Head)

(a1)

1

(c1)

1

(c2)

1

CONCENTRATION:

1 = Light (Iceberg)

2 = Moderate (Prize Head)

3 = Intense (Ruby)

(a1)

na

(c1)

na

(c2)

na

SIZE:

1 = Small

2 = Medium

3 = Large

(a1)

3

(c1)

3

(c2)

3

GLOSSINESS:

1 = Dull (Vanguard)

2 = Moderate (Salinas)

3 = Glossy (Great Lakes)

(a1)

02

(c1)

02

(c2)

03

BLISTERING:1 = Absent/Slight
(Salinas)2 = Moderate
(Vanguard)3 = Strong
(Prize Head)

(a1)

02

(c1)

02

(c2)

02

LEAF THICKNESS:

1 = Thin

2 = Intermediate

3 = Thick

(a1)

03

(c1)

03

(c2)

03

TRICHOMES:

1 = Absent (Smooth)

2 = Present (Spiny)

(a1)

01

(c1)

01

(c2)

01

5. PLANT:**SPREAD OF FRAME LEAVES:**

(a1)

42

cm

(c1)

40

cm

(c2)

41

cm

5. PLANT: (continued)

HEAD DIAMETER: (Market Trimmed with Single Cap Leaf)

(a1) 27 cm

(c1) 30 cm

(c2) 31 cm

HEAD SHAPE:

1 = Flattened

3 = Spherical

5 = Non-Heading

2 = Slightly Flattened

4 = Elongate

6 = Other (Specify) _____

(a1) 04

(c1) 04

(c2) 04

HEAD SIZE CLASS:

1 = Small

2 = Medium

3 = Large

(a1) 02

(c1) 02

(c2) 02

HEAD PER CARTON:

(a1) 24

(c1) 24

(c2) 24

HEAD WEIGHT:

(a1) 1125 g.

(c1) 1195 g.

(c2) 1190 g.

HEAD FIRMNESS:

1 = Loose

2 = Moderate

3 = Firm

4 = Very Firm

(a1) 2

(c1) 2

(c2) 2

6. BUTT:

SHAPE:

1 = Slightly Concave

2 = Flat

3 = Rounded

(a1) 3

(c1) 3

(c2) 3

MIDRIB:

1 = Flattened (Salinas)

2 = Moderately Raised

3 = Prominently Raised (Great Lakes 659)

(a1) 3

(c1) 3

(c2) 3

7. CORE:

DIAMETER AT BASE OF HEAD:

(a1) 45 mm

(c1) 47 mm

(c2) 46 mm

RATIO OF HEAD DIAMETER/CORE DIAMETER:

(a1) 06.0

(c1) 06.4

(c2) 06.7

CORE HEIGHT FROM BASE OF HEAD TO APEX:

(a1) 80 mm

(c1) 90 mm

(c2) 99 mm

8. BOLTING: (Give First Water Date: march 10th 2005) NOTE: First Water Date is the date seed first receives adequate moisture to germinate. This can and often does equal the planting date.

NUMBER OF DAYS FROM FIRST WATER DATE TO SEED STALK EMERGENCE: (summer conditions)

(a1) 110

(c1) 95

(c2) 85

BOLTING CLASS:

1 = Very Slow

3 = Medium

5 = Very Rapid

2 = Slow

4 = Rapid

(a1) 2

(c1) 3

(c2) 3

HEIGHT OF MATURE SEED STALK:

085

085

095

(a1) cm (c1) cm (c2) cm

8. BOLTING: (continued)

SPREAD OF BOLTER PLANT: (At widest point)

(a1) 35 cm (c1) 35 cm (c2) 35 cm

BOLTER LEAVES: 1 = Straight 2 = Curved

(a1) 1 (c1) 1 (c2) 1

MARGIN: 1 = Entire 2 = Dentate

(a1) 1 (c1) 1 (c2) 1

COLOR: 1 = Light Green 2 = Medium Green 3 = Dark Green

(a1) 3 (c1) 3 (c2) 3

BOLTER HABIT:

TERMINAL INFLORESCENCE: 1 = Absent 2 = Present

(a1) 2 (c1) 2 (c2) 2

LATERAL SHOOTS: 1 = Absent 2 = Present

(a1) 2 (c1) 2 (c2) 2

BASAL SIDE SHOOTS: 1 = Absent 2 = Present

(a1) 1 (c1) 1 (c2) 1

9. MATURITY: (earliness of harvest-mature head formation)

NOTE: Complete this section for at least one season.

SEASON	APPLICATION VARIETY No. of Days ¹			MOST SIMILAR VARIETY No. of Days ¹			STANDARD REGIONAL CHECK VARIETY No. of Days ¹		
Spring	65			62			61		
Summer	50			53			53		
Fall									
Winter	90			95			96		

¹ First Water Date to Harvest

Give Planting Date(s) and Location(s):

Spring: Jan 15th Salinas Valley

Summer: May 15th Salinas Valley

Fall: _____

Winter: Dec 15th Huron Valley

10. ADAPTATION:

PRIMARY REGIONS OF ADAPTATION (tested and proven adapted):

0 = Not Tested 1 = Not Adapted 2 = Adapted

2 Southwest (CA and/or AZ desert) 2 West Coast 0 Northeast

2 North Central 0 Southeast 0 Other (Specify) _____

10. ADAPTATION: (Continued)

SEASON:

☐ 2 Spring (Area Salinas) ☐ 0 Fall (Area _____)
☐ 2 Summer (Area Salinas) ☐ 2 Winter (Area Huron)

☐ 0 GREENHOUSE: 0 = Not Tested 1 = Not Adapted 2 = Adapted
☐ 3 SOIL TYPE: 1 = Mineral 2 = Organic 3 = Both

11. VIRAL DISEASES:

1 = Immune 3 = Resistant 5 = Moderately Resistant/Moderately Susceptible 7 = Susceptible 9 = Highly Susceptible

Big Vein	(a1) <input type="checkbox"/>	(c1) <input type="checkbox"/>	(c2) <input type="checkbox"/>
Lettuce Mosaic	(a1) <input type="checkbox"/> 7	(c1) <input type="checkbox"/> 7	(c2) <input type="checkbox"/> 3
Cucumber Mosaic	(a1) <input type="checkbox"/>	(c1) <input type="checkbox"/>	(c2) <input type="checkbox"/>
Tomato Bushy Stunt, cause of dieback	(a1) <input type="checkbox"/>	(c1) <input type="checkbox"/>	(c2) <input type="checkbox"/>
Turnip Mosaic	(a1) <input type="checkbox"/>	(c1) <input type="checkbox"/>	(c2) <input type="checkbox"/>
Beet Western Yellows	(a1) <input type="checkbox"/>	(c1) <input type="checkbox"/>	(c2) <input type="checkbox"/>
Lettuce Infectious Yellows	(a1) <input type="checkbox"/>	(c1) <input type="checkbox"/>	(c2) <input type="checkbox"/>
Other (Specify) _____	(a1) <input type="checkbox"/>	(c1) <input type="checkbox"/>	(c2) <input type="checkbox"/>

12. FUNGAL/BACTERIAL DISEASES:

1 = Immune 3 = Resistant 5 = Moderately Resistant/Moderately Susceptible 7 = Susceptible 9 = Highly Susceptible

Corky Root Rot (Races: _____)	(a1) <input type="checkbox"/> 7	(c1) <input type="checkbox"/> 7	(c2) <input type="checkbox"/> 3
Downy Mildew (Races: <u>I, II^a, II^b, III, IV, V, VI</u>)	(a1) <input type="checkbox"/> 3	(c1) <input type="checkbox"/> 7	(c2) <input type="checkbox"/> 7
Powdery Mildew	(a1) <input type="checkbox"/>	(c1) <input type="checkbox"/>	(c2) <input type="checkbox"/>
Sclerotinia Drop	(a1) <input type="checkbox"/>	(c1) <input type="checkbox"/>	(c2) <input type="checkbox"/>
Bacterial Soft Rot (<i>Pseudomonas</i> spp. and others)	(a1) <input type="checkbox"/>	(c1) <input type="checkbox"/>	(c2) <input type="checkbox"/>
Botrytis (Grey Mold)	(a1) <input type="checkbox"/>	(c1) <input type="checkbox"/>	(c2) <input type="checkbox"/>
Verticillium Wilt	(a1) <input type="checkbox"/>	(c1) <input type="checkbox"/>	(c2) <input type="checkbox"/>
Bacterial Leaf Spot	(a1) <input type="checkbox"/>	(c1) <input type="checkbox"/>	(c2) <input type="checkbox"/>
Anthracnose	(a1) <input type="checkbox"/>	(c1) <input type="checkbox"/>	(c2) <input type="checkbox"/>
Other (Specify) _____	(a1) <input type="checkbox"/>	(c1) <input type="checkbox"/>	(c2) <input type="checkbox"/>

13. INSECTS:

1 = Immune 3 = Resistant 5 = Moderately Resistant/Moderately Susceptible 7 = Susceptible 9 = Highly Susceptible

Cabbage Loopers	(a1) <input type="checkbox"/>	(c1) <input type="checkbox"/>	(c2) <input type="checkbox"/>
Root Aphids	(a1) <input type="checkbox"/>	(c1) <input type="checkbox"/>	(c2) <input type="checkbox"/>
Green Peach Aphid	(a1) <input type="checkbox"/>	(c1) <input type="checkbox"/>	(c2) <input type="checkbox"/>
Lettuce Aphid	(a1) <input type="checkbox"/>	(c1) <input type="checkbox"/>	(c2) <input type="checkbox"/>

Pea Leafminer

(a1)

☐

(c1)

☐

(c2)

☐

Other (Specify) _____

(a1)

☐

(c1)

☐

(c2)

☐**14. PHYSIOLOGICAL STRESSES:**

1 = Immune

3 = Resistant

5 = Moderately Resistant/Moderately Susceptible

7 = Susceptible

9 = Highly Susceptible

Tipburn

(a1)

☐

(c1)

☐

(c2)

☐

Heat

(a1)

☐

(c1)

☐

(c2)

☐

Drought

(a1)

☐

(c1)

☐

(c2)

☐

Cold

(a1)

☐

(c1)

☐

(c2)

☐

Salt

(a1)

☐

(c1)

☐

(c2)

☐

Brown Rib

(a1)

☐

(c1)

☐

(c2)

☐

(Rib Discoloration, Rib Blight)

Other (Specify) _____

(a1)

☐

(c1)

☐

(c2)

☐**15. POST HARVEST STRESS:**

1 = Immune

3 = Resistant

5 = Moderately Resistant/Moderately Susceptible

7 = Susceptible

9 = Highly Susceptible

Pink Rib

(a1)

☐

(c1)

☐

(c2)

☐

Russet Spotting

(a1)

☐

(c1)

☐

(c2)

☐

Rusty Brown Discoloration

(a1)

☐

(c1)

☐

(c2)

☐

Internal Rib Necrosis

(a1)

☐

(c1)

☐

(c2)

☐

(Blackheart, Grey Rib, Grey Streak)

Brown Stain

(a1)

☐

(c1)

☐

(c2)

☐**16. BIOCHEMICAL OR ELECTROPHORETIC MARKERS:**

17. COMMENTS:

SUGGESTED CHECK VARIETIES

TYPE	CHECK VARIETY
1 Cutting/Leaf	Waldmann's Green
2 Butterhead	Dark Green Boston
3 Bibb	Bibb
4 Cos or Romain	Parris Island
5 Great Lakes Group	Great Lakes 659-700
6 Vanguard Group	Vanguard
7 Salinas Group	Salinas
8 Eastern Group	Ithaca
9 Stem	Celtuce
10 Latin	Little Gem

REFERENCES

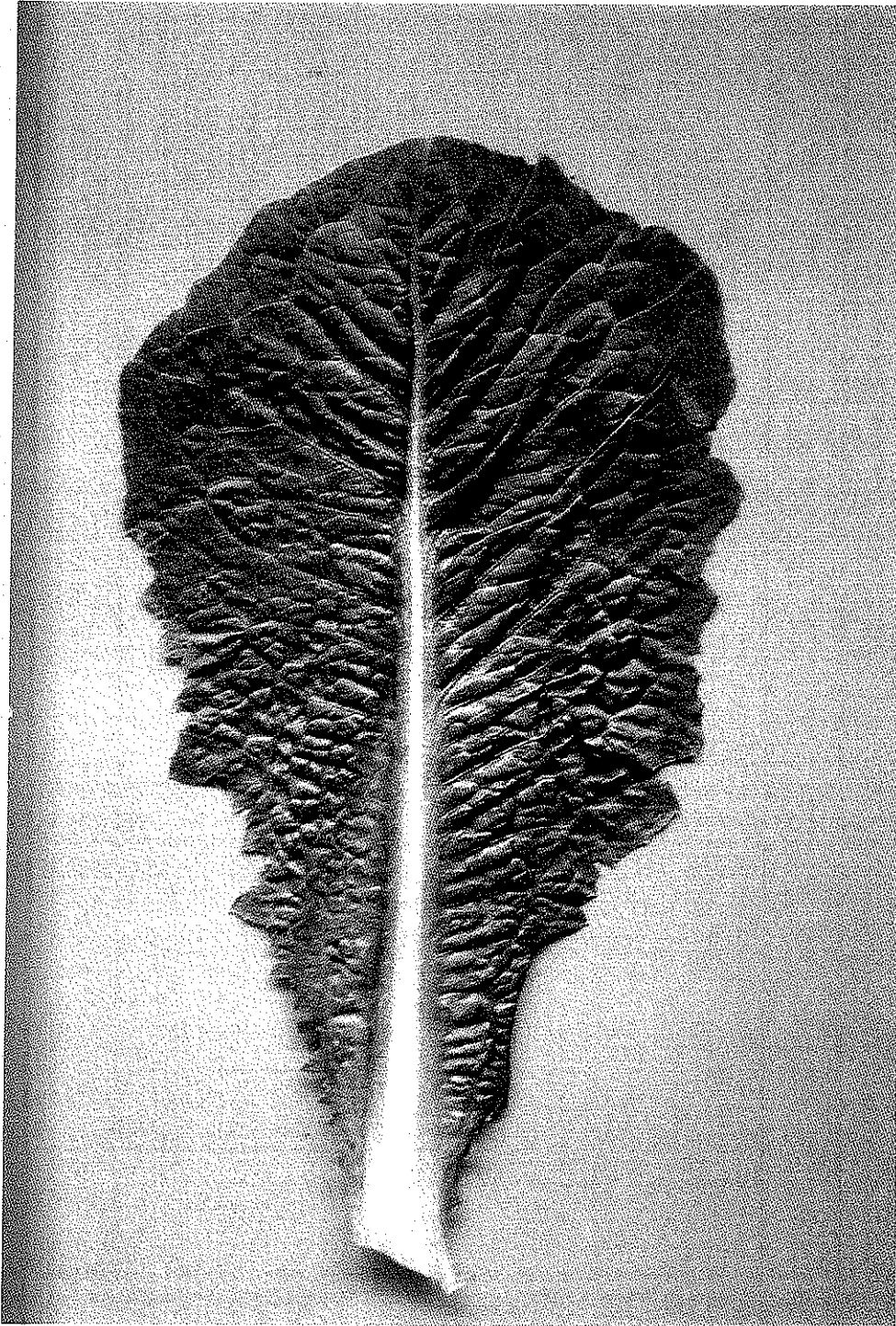
- Bowring, J.D.C., 1969, "The Identification of Varieties of Lettuce (*Lactuca Sativa* L.)". Journal of the National Institute of Agricultural Botany 11:499-520. National Institute of Agricultural Botany, Cambridge, UK.
- Davis, R.M., K.V. Subbarao, R.N. Raid, and E.A. Kurtz, 1997. "Compendium of Lettuce Diseases". APS Press, St. Paul, MN.
- Michelmores, R.W., J. M. Norwood, D.S. Ingram, I.R. Crute and P. Nicholson. 1984. "The inheritance of virulence in *Bremia lactucae* to match resistance factors 3, 4, 5, 6, 8, 9, 10, and 11 in lettuce (*Lactuca sativa*)". Plant Pathology 32:176-177.
- Norwood, J.M., R.W. Michelmores, I.R. Crute and D.S. Ingram. 1983. "The inheritance of specific virulence of *Bremia lactucae* (Downy Mildew) to match R-factors 1, 2, 4, 6, and 11 in lettuce (*Lactuca sativa*)". Plant Pathology 32:176-177.
- Rodenburg, C.M., et al., 1960. "Varieties of Lettuce. An International Monograph", Instituut voor de Verdeling van Tuinbouwgewassen (IVT), Wageningen, NL.
- Ryder, E.J., 1999, *Lettuce, Endive, and Chicory*, CABI Publications, Wallingford, UK.



Picture 1: Mature leaf of application variety Tourist (a1).



Picture 2: Mature leaf of most similar variety Green Towers (c1).



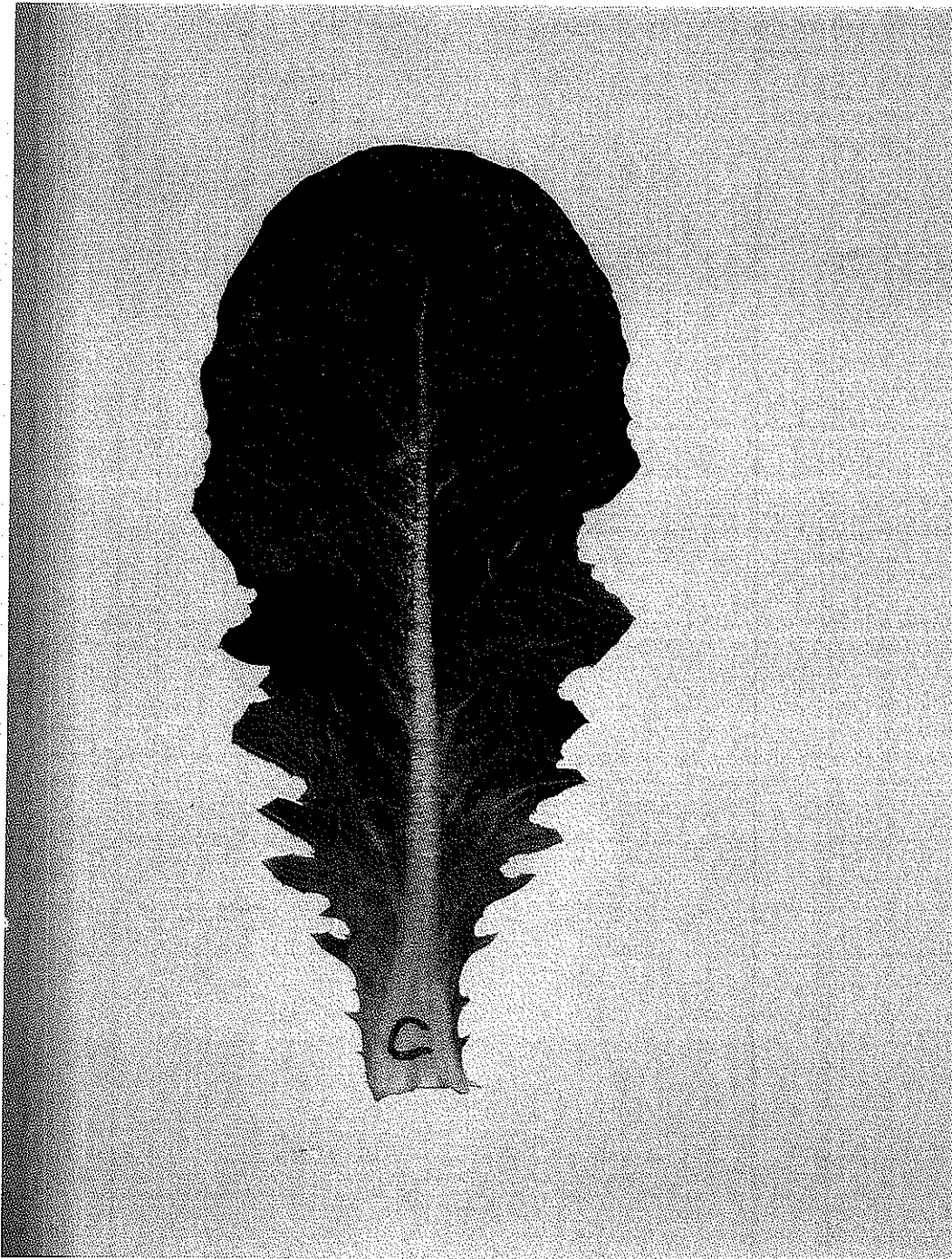
Picture 3: Mature leaf of standard regional check variety Clemente (c2).



Picture 4: 4th leaf of application variety Tourist (a1).



Picture 5: 4th leaf of most similar variety Green Towers (c1).



Picture 6: 4th leaf of standard regional check variety Clemente (c2).

Table 2

Results of laboratory tests for resistance to downy mildew (CA pathotype VI) comparing cv. Tourist (RS 06483014) and cv. Dark Green Cos.

Cultivar	Downy Mildew Resistance^a
cv. Tourist	resistant to CA pathotype VI
cv. Dark Green Cos	susceptible to CA pathotype VI

^a Downy mildew survey reported as resistance to California Pathotype VI, using 15 seedlings grown in a laboratory screen.

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). The information is held confidential until the certificate is issued (7 U.S.C. 2426).

EXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP

1. NAME OF APPLICANT(S) Seminis Vegetable Seeds, Inc.	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER	3. VARIETY NAME Tourist
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country) 2700 Camino del Sol Oxnard, CA 93030-7967	5. TELEPHONE (Include area code) (805) 647-1572	6. FAX (Include area code) (805) 918-2545
7. PVPO NUMBER 200500296		

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block. If no, please explain.

☒ YES ☐ NO

9. Is the applicant (individual or company) a U.S. national or a U.S. based company? If no, give name of country.

☒ YES ☐ NO

10. Is the applicant the original owner?

☒ YES☐ NOIf no, please answer one of the following:

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?

☐ YES☐ NO

If no, give name of country

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?

☐ YES☐ NO

If no, give name of country

11. Additional explanation on ownership (Trace ownership from original breeder to current owner. Use the reverse for extra space if needed):

The variety named in this application was developed by the Seminis Vegetable Seeds, Inc., employee (breeder) named below. Unless otherwise stated, all rights to the varieties developed by Seminis Vegetable Seeds, Inc. are assigned to the Company by agreement or by operation of law. No rights to such invention, discovery or development are retained by the employee(s).

Employee (Breeder): Ron van der Laan

Site Location: Nimes, France

PLEASE NOTE:

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 0.1 hour per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, or protected genetic information. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.